

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane Hirsh, Alison B. Fleming, and Roman V. Rariy

Serial No.: 10/766,124

Art Unit: 1618

Filed: January 28, 2004

Examiner: Nissa M. Westerberg

For: *MULTIPARTICULATE COMPOSITIONS OF MILNACIPRAN FOR ORAL
ADMINISTRATION*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit an Information Disclosure Statement, including one (1) page of Form PTO-1449 and copies of three (3) documents cited therein. Pursuant to the waiver in the notice entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003" published on August 5, 2003 in 1273 OG 55, a copy of the cited U.S. Patent is not enclosed. A copy will be provided upon request, however.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) after a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-3129.

Certification Under 37 C.F.R. § 1.97(e)(1)

Each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

U.S. Patents

| <u>Number</u> | <u>Issue Date</u> | <u>Patentee</u> | <u>Class/Subclass</u> |
|---------------|-------------------|-----------------|-----------------------|
| 5,162,110 | 11-10-1992 | Warchol, et al. | 424/78.15 |

Foreign Documents

| <u>Number</u> | <u>Publication Date</u> | <u>Patentee</u> | <u>Country</u> |
|---------------|-------------------------|----------------------------------|----------------|
| 0 294 103 | 12-07-1988 | Takeda Chemical Industries, Ltd. | EP |
| 0 565 301 | 10-13-1993 | Rohto Pharma | EP |
| 0 911 039 | 04-28-1999 | Medeva Pharmaceutical Manufact. | EP |

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

/ Patrea L. Pabst /

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